

REMARKS

This is in response to the Office Action dated March 10, 2009. With this response, claims 1, 4 and 15 are amended; claim 5 is cancelled; and all pending claims 1, 4 and 6-15 are presented for reconsideration and favorable action.

In the Office Action, claims 4 and 5 were rejected under 35 § U.S.C. 112. With this response, those claims have been amended. Additionally, a typographical error in claim 15 has been corrected.

In the Office Action, claims 1, 4-9, 11-13 and 15 were rejected under 35 § U.S.C. 102 based upon Noren (US5105961). With this response, independent claim 1 has been amended and it is believed the pending claims are patentably distinct from that reference.

Referring to Figure 1 of the instant application along with amended claim 1, it is believed that the claimed invention is patentably distinct from Noren. For example, amended claim 1 includes a closer which has a spouting groove therein adapted to receive the spouting member. A male seal extends from the spouting member and has a thickness which is less than a thickness of the spouting member. The male seal is received in an insertion groove which extends, and parallel with, the spouting groove and which has a width which is less than a width of a spouting groove. Further, a circumferential seal wall is adjacent the insertion groove and is configured to abut an elastic seal projection. The elastic seal projection is adjacent the male seal projection.

This configuration is not shown in the Noren reference. Further, the secondary reference, Hicks et al (US5,839,627) does not overcome the shortcomings of Noren.

As the claimed elements are not shown by the Noren reference, it is believed that the rejection should be withdrawn. Reconsideration and favorable action are respectfully requested.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue, or comment, including the Office Action's characterizations of the art, does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim,

except as specifically stated in this paper, and the amendment or cancellation of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment or cancellation. Applicant reserves the right to prosecute the rejection claims in further prosecution of this or related applications.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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